

CERTIFIED MAIL: RETURN RECEIPT REQUESTED
GENERAL NOTICE LETTER
URGENT LEGAL MATTER - PROMPT REPLY NECESSARY

Bunge Street Properties, LLC
Registered Agent for Bunge Steet Properties, LLC
Christian G. Vaccari
217 North Columbia Street
Covington, Louisiana 70433

**Re: SBA Shipyard Superfund Site, Jennings, Jefferson Davis Parish, Louisiana;
CERCLIS #: LAD008434185; General Notice Letter and Opportunity to Meet**

Dear Sir/Madam:

The purpose of this letter is to notify you of your potential liability at the SBA Shipyard Superfund Site (Site) located in Jennings, Jefferson Davis Parish, Louisiana U.S. Environmental Protection Agency (EPA). The on-going PRP group is currently performing an on-going site stabilization removal action to address the immediate threat of a release of hazardous substances at the Site. This removal action is designed to stabilize the Site, remove the immediate threat posed at the Site and set the stage for a later, more comprehensive response action.

The USOR Superfund Site is located at 400 North Richey Street and 200 North Richey Street, respectively, in Pasadena, Harris County, Texas. The Site includes a warehouse, retention pond and several containment areas throughout, as well as above ground storage tanks, totes, drums, roll-off containers, secondary containment area, an office area on the 400 North Richey Street property and a building that houses boxes of records. USOR and/or MCC received municipal and industrial Class I and Class II wastewater, characteristically hazardous waste, used oil and oily sludges and municipal solid waste. The MCC facility, which is also a part of the Site, is bordered by commercial businesses on each side and is split into two sections by Vince Bayou.

A Superfund Site is a place that is contaminated with hazardous substances at levels that may present a threat to human health or the environment. Under Sections 106 and 107 of CERCLA, 42 U.S.C. §§ 9606 and 9607, potentially responsible parties (PRPs) may be required to perform cleanup actions to protect the public health and welfare or the environment. PRPs may also be responsible for costs incurred by the EPA in cleaning up the Site. PRPs include current and former owners and operators of the Site, as well as persons who sent or transported hazardous substances to the Site for disposal or treatment or who arranged for the disposal or treatment of hazardous substances at the Site.

You have been identified as someone who sent hazardous substances for disposal or treatment at the Site. Enclosure A explains the General Notice and Removal Action and Enclosure B explains the basis for the EPA's determination that you are a PRP and offers you the opportunity to enter into the August 25, 2011, Administrative Order on Consent (AOC) as a Settling Party concerning the cleanup of the Site. As you will see, the Notice requests your cooperation in conducting the on-going site-stabilization removal action. Also included in this letter as Enclosure C is the Small Business Resource Fact Sheet, Enclosure D which is the 104(e) Information Request, Enclosure E which includes a list of entities receiving this letter in a previous mail out, many of whom have already entered into the August 25, 2011, AOC as Settling Parties and Enclosure F, which is the AOC and a Statement of Work.

Upon reviewing the enclosed Notice (Enclosure A), please provide an **oral** response to Ms. Cynthia Brown, Removal Enforcement Coordinator, at 214-665-7480 within **thirty (30) days** after receipt of this letter to let her know whether you will enter into the August 25, 2011, AOC. In addition, please provide a written response to Ms. Brown, at the address included in the Information Request. The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require PRPs to respond to the Information Request included in this correspondence. We encourage your company to give this matter its full attention and ***we respectfully request that you respond to this Information Request for information in writing, within thirty (30) days of receipt of this letter.*** You may designate another official of this facility with the requisite authority to respond on behalf of the company. **However, failure to respond to this information request may result in the EPA seeking penalties of up to \$37,500 per day of violation.** In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure D, a 104(e) Information Request, seeks cooperation from you in providing information and documents relating to the Site. The EPA is investigating the USOR facility for the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of your ability to pay.

We are now inviting you to participate in the performance of the on-going work under the AOC. You should contact Mr. Randy Smith at 603-673-0004 who is leading the PRP Steering Committee for the PRPs. If you have questions regarding the notice or any of the other documentation included, please contact Ms. Brown at 214-665-7480. Questions concerning legal matters should be directed to EPA attorney Mr. Edwin Quinones, at 214-665-8035. Thank you for your attention to this matter.

Sincerely yours,

Samuel Coleman, P.E.
Director
Superfund Division

cc:

Bunge Street Properties, LLC
217 North Columbia Street
Covington, Louisiana 70433

Enclosures (5)

- A General Notice
- B Evidentiary Documents
- C Small Business Resource Fact Sheet
- D Information Request 104(e)
- E List of Entities Receiving this General Notice letter and all prior General Notices
- F Administrative Order on Consent and Statement of Work

**U.S. OIL RECOVERY SUPERFUND SITE
ENCLOSURE A**

**GENERAL NOTICE
REMOVAL ACTION**

This Notice is from the U.S. Environmental Protection Agency (EPA). This Notice is directed to you, the Potentially Responsible Party (PRP) of the U.S. Oil Recovery Superfund Site. This Notice does six things:

1. This Notice tells you that you may be responsible for the presence of hazardous substances found at the Site. When we say "Site" or "property" in this Notice, we mean the U.S. Oil Recovery Superfund Site which is the "property" located at 400 North Richey and the affiliated "property" located at 200 North Richey, Pasadena, Harris County, Texas. This Notice is issued under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund).
2. This Notice provides background information leading up to the EPA's investigation of the Site and the EPA's activities to determine the source of the contamination.
3. This Notice invites you to meet and enter into the August 25, 2011, Administrative Order on Consent (AOC) as a Settling Party regarding the cleanup of this Site and includes a general description of the Work to Be Performed in a removal action at the Site.
4. This Notice explains that the EPA will consider your ability to pay in determining an appropriate settlement amount.
5. The EPA is providing information pertaining to the original and newly identified PRPs who also sent or transported hazardous substances to the Site or who arranged for disposal or treatment at the Site, as well as information regarding small business owners.
6. This Notice provides the August 25, 2011, Administrative Order on Consent and a Statement of Work for your review and consideration.

NOTICE THAT YOU MAY BE LIABLE

Under Section 107 of CERCLA, 42 U.S.C. § 9607, responsible parties are those who are current owners or operators of a facility, past owners or operators who owned or operated the facility at the time hazardous substances were released or disposed of at the facility, persons who arranged for disposal or treatment at the facility (usually the person(s) who generated the hazardous substance) or persons who selected that facility and transported the hazardous substances to the facility. Section 107 of CERCLA, 42 U.S.C. § 9607, states that responsible parties are liable to the United States for the costs it has incurred or will incur conducting a response action such as that proposed for the USOR Superfund Site. A PRP is therefore responsible for performing the cleanup action in accordance with the EPA

requirements, paying for the cleanup by the EPA and reimbursing the Federal Government for past and future costs of the cleanup activities.

BACKGROUND

The USOR opened for business in May 2002 in Pasadena, Texas, to handle used oil. In its proprietary plant, USOR performed municipal and industrial wastewater pretreatment of Class I and Class II wastewater, characteristically hazardous waste, used oil and oily sludges and municipal solid waste. The USOR facility is located on approximately 13 acres located north of the City of Pasadena at 400 North Richey. The MCC Recycling facility which is part of the common operation, is located on approximately 5 acres located north of the City of Pasadena at 200 North Richey with a mailing address and business office at 400 North Richey. Both locations collectively are considered the Site.

Historical inspections/investigations conducted by the Harris County Public Health and Environmental Services and the Texas Commission on Environmental Quality have shown elevated levels of benzene and chlorinated solvents in some of the waste stored onsite. Specific hazardous substances found at the facility by the EPA include, but are not limited to flammables (D001), corrosives (D002), arsenic (D004), barium (D005), cadmium (D006), chromium (D007), lead (D008), mercury (D009), selenium (D010), silver (D011), benzene (D018), chloroform (D022), 1,2-dichloroethane (D028), methyl ethyl ketone (D035), tetrachloroethylene (D039), trichloroethylene (D040), acetone and hydrogen sulfide.

To date, the EPA has taken several response actions at the Site under the authority of the Superfund Program. Below is a brief description of the actions taken at the Site.

The Site has had three EPA emergency response actions, followed by a time-critical response which is currently ongoing. The EPA and its contractors performed preliminary assessments of the Site property on July 2, 2010 and again on November 9, 2010. The preliminary assessments identified and observed the historic and ongoing release of hazardous substances from the Site property, to wit; the waste receiving facility (USOR) and pretreatment facility (MCC).

On July 2, 2010, the EPA activated Emergency Rapid Response Services (ERRS) contractors to the Site to contain off-site migration and to mitigate the threat and stabilize the Site. Containment actions included placement of booms and absorbent pads, use of pumps and 13 frac tanks and establishing temporary staging areas for warehouse drums and totes following segregation. Mitigation actions included dropping containment content elevations to below overflow threat levels creating free-board or emptying completely, drum over-packing, drum and tote sampling and assessing by field hazard characterization analysis, drum and tote segregating and marking, securing roll-off containers (with tarps, bows, or poles as needed) and securing perimeter fencing (repair section of damaged fence and replace missing locks).

Contaminated site liquids that accumulated from overflowing roll-off containers, containments, secondary containments, the retention pond, unloading bays, leaking drums and totes and from the parking lot were shipped offsite and disposed of at the Inter Gulf Corporation facility in Pasadena, Texas.

On November 8, 2010 and again in January, 2011, the EPA was again requested to respond to the USOR facilities to manage Site runoff of contaminated storm water. The EPA activated the ERRS contractors and Superfund Technical Assessment and Response Team (START-3) contractors to mobilize to the

Site, contain offsite migration, mitigate the threat and stabilize the Site. The EPA has repeatedly dropped the levels in the secondary containments and bays and removed pH less than 2 liquids and sludges and benzene contaminated sludges to also prevent overflow of contamination.

The scope of the time-critical removal action, as described in the March 17, 2011, Action Memorandum, includes the removal and dispose of hazardous substances that were abandoned at the two properties within the Site and which have been the source of previous and ongoing emergency response actions to stabilize the Site. Hazardous substances, pollutants, or contaminants have been found in above ground storage tanks, totes, drums, roll-off box containers, containment areas, secondary containment areas, a retention pond, parking lots, a bioreactor and throughout the former waste water treatment facility.

PARTICIPATION

The EPA is inviting PRPs with significant contributions to the Site to enter into an already-negotiated Administrative Order on Consent that went into effect on August 25, 2011, for a limited cleanup and reach a settlement within thirty (30) calendar days of your receipt of this letter. In addition to avoiding the costs of litigation, settling with the EPA provides you with another advantage. Under the Superfund law, settling with the EPA helps protect you should another responsible party sue you for costs which that party pays to the EPA. Also, if you choose not to settle with the EPA, then the EPA may take civil administrative action and, ultimately, the EPA may request civil judicial action. A list of entities receiving this General Notice letter as well as the March 7, 2011, May 11, 2011 and June 13, 2011, General Notice letter, is included as Enclosure E to this letter.

OPPORTUNITY TO MEET

If you agree to enter into the August 25, 2011, AOC as a Settling Party, the EPA recommends that you contact Mr. Randy Smith at 603-673-0004 who is leading the steering committee with the other PRPs. The EPA is currently overseeing the performance of a removal action to stabilize the Site, pursuant to the August 25, 2011, AOC. A general description of the removal action can be found in the Statement of Work (Enclosure F) as an Enclosure to the AOC. The EPA expects to conclude its offer to enter into the AOC within 30 calendar days of your receipt of this letter.

The EPA will also provide you the opportunity to meet with the EPA representatives to discuss your desire to join the PRP group in its on-going efforts to perform and/or fund the work pursuant to the August 25, 2011, AOC as a Settling Party. If you wish to participate in such a meeting, you must inform Ms. Cynthia Brown in writing within the time frame discussed below. The meeting is scheduled for 1:00 pm, CST, November 30, 2011, in the EPA Regional Office located in Dallas, Texas. The meeting will also **tentatively** be presented live via videoconference at the law offices of Bracewell & Giuliani LLP, 711 Louisiana Street, Suite 2300, Houston, Texas, 77002-2770 phone 713-223-2300, ext. 2893, in Houston, Texas. If you cannot attend the meeting in Dallas or Houston, you may still be able to participate by telephone. Please notify Ms. Brown whether you plan to attend the meeting in Dallas, via videoconference in Houston or by telephone.

FINANCIAL CONCERNS/ABILITY TO PAY SETTLEMENTS

The EPA is aware the financial ability of some PRPs to contribute toward the cleanup and/or payment of response costs at a site may be substantially limited. If you believe and can document that you fall within that category, please contact Ms. Cynthia Brown, at 214-665-7480 for information on “Ability to Pay Settlements.” In response, you will receive a package of information about the potential for such settlements. If the EPA concludes that you have a legitimate inability to pay the full amount of the EPA’s costs, the EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

Also, please note that because the EPA has a potential claim against you, if your financial status changes in any significant way, i.e., filing for bankruptcy, you must include the EPA as a creditor.

RESOURCES AND INFORMATION FOR SMALL BUSINESSES

As you may be aware, on January 11, 2002, President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at:

<http://www.epa.gov/swerosps/bf/sblrbra.htm>

and review the EPA guidance regarding these exemptions at:

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund>

The EPA has created a number of helpful resources for small businesses. The EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers, which offer various forms of resources to small businesses. You may inquire about these resources at www.epa.gov.

In addition, the EPA Small Business Ombudsman may be contacted at www.epa.gov/sbo. Finally, the EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act (SBREFA), which is enclosed with this letter (Enclosure C).

YOUR RESPONSE TO EPA

In addition to oral notification, please notify Ms. Brown in **writing** at the address indicated below ***within thirty (30) calendar days of the date of receipt of this letter*** to indicate your willingness to enter in good faith as a Settling Party to the August 25, 2011, AOC **to perform the Work and reimburse the Federal Government for future oversight costs of the cleanup activities. If the EPA does not receive your written response within thirty (30) calendar days, the EPA will assume you do not wish to enter into the AOC and the EPA will then take whatever actions are necessary to abate the potential threat to human health and the environment posed by contaminants on the property.**

Your response to this letter and questions regarding the matters in this letter should be directed to:

Ms. Cynthia Brown
Removal Enforcement Coordinator (6SF-TE)
United States Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, TX 75202
Telephone: 214-665-7480
Fax: 214-665-6660
Brown.cynthia@epa.gov

If you or your attorney have legal questions pertaining to this matter, please direct them to:

Mr. Edwin Quinones
Assistant Regional Counsel (6RC-S)
United States Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, TX 75202
Telephone: 214-665-8035
Fax: 214-665-6460
Quinones.Edwin@epa.gov

The discussions of fact or law in this Notice are meant to help you understand CERCLA and the EPA's actions at the Site. The discussions of fact and law are not final positions on any matter discussed in this Notice.

**U.S. OIL RECOVERY SUPERFUND SITE
ENCLOSURE B**

EVIDENTIARY DOCUMENTATION

MANIFEST

Please find enclosed as an example, a copy of one manifest from your company with information pertaining to the shipments made to USOR Site by the entity receiving this letter.

**U.S. OIL RECOVERY SUPERFUND SITE
ENCLOSURE C**

SMALL BUSINESS RESOURCES FACT SHEET

**U.S. OIL RECOVERY SUPERFUND SITE
ENCLOSURE D**

**104(e) INFORMATION REQUEST
INSTRUCTIONS, DEFINITIONS and QUESTIONS**

INSTRUCTIONS

Under the authority of Section 104(e) (2) of CERCLA, 42 U.S.C. § 9604(e) (2), the EPA is requesting you to respond to this Information Request. Compliance with this Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties.

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in the Information Request. For each question contained in this letter, if information responsive to this information request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
4. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Continuing Obligation to Provide/Correct Information. Pursuant to CERCLA Section 104(e)(2), if additional information or documents responsive to this Request become known or available to you after you respond to this Request, you must supplement your response to EPA.
6. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant Sections 104(e) (7) (E) and (F) of CERCLA, 42 U.S.C. § 9604(e) (7) (E) and F and Section 3007(b) of RCRA, 42 U.S.C. § 6927(b) and 40 C.F.R. § 2.203(b). To prove your claim of confidentiality, each document must separately address the following points:

- A. the portions of the information alleged to be entitled to confidential treatment;
- B. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- C. measures taken by you to guard against the undesired disclosure of the information to others;
- D. the extent to which the information has been disclosed to others and the precautions taken in connection therewith;
- E. pertinent confidentiality determinations, if any, by the EPA or other federal agencies and a copy of any such determinations or reference to them, if available; and
- F. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position and if so, what those harmful effects would be, why they should be viewed as substantial and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non confidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit both a clean and a redacted version of any documents or response for which you claim confidential in a separate envelope. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

All confidentiality claims are subject to the EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information, that you intend to continue to do so and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by the EPA only to the extent permitted by CERCLA Section 104(e). **If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you.**

- 7. Disclosure to the EPA Contractor. Information which you submit in response to this Information Request may be disclosed by the EPA to authorized representatives of the United States, pursuant to 40 C.F.R. 2.310(h), even if you assert that all or part of it is confidential business information.
- 8. Personal Privacy Information. Personnel and medical files and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on a separate sheet(s) and marked as "Personal Privacy Information."
- 9. Objections to Questions. Even if you have objections to some or all the questions within the Information Request, you are still required to respond to each of the questions.

DEFINITIONS

The following definitions shall apply to the following words as they appear in Information Request. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or the Resource Conservation and Recovery Act ("RCRA"), in which case the statutory or regulatory definitions shall apply.

1. The terms "and" and "or" shall be construed either conjunctively or disjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
2. The term "any" (e.g., as in "any documents"), shall mean "any and all."
3. The term "arrangement" shall mean every separate contract or other agreement between two or more persons, whether written or oral.
4. The term "asset" shall include the following: real estate, buildings or other improvements to real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, accounts receivable, interest in insurance policies, interests in partnerships, corporations and unincorporated companies, securities, patents, stocks, bonds and other tangible as well as intangible property.
5. The term "disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material into or on any land or water, including ground water.

The term "document(s)" shall mean any object that records, stores, or presents information and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings/agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telescope, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, Photostat or other copy of any documents, microfilm or other film record, photograph, sound recording on any type of device, punch card, disc pack, tape or other type of memory generally associated with computers and data processing (including printouts and the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory), every copy of each document which is not an exact duplicate of a document which is produced, every copy of each document which has any writing on it (including figures, notations, annotations, or the like), drafts of documents, attachments to or enclosures with any document and every document referred to in any other document.

6. The term “generator” shall mean persons who arranged for the disposal or treatment of hazardous substances at the U.S. Oil Recovery Superfund Site where the hazardous substances were released.
7. The term “hazardous material” shall mean any hazardous substances, pollutants or contaminants and hazardous wastes, as defined below.
8. The term “hazardous substance” shall have the same definition as that contained in Subsection 101(14) of CERCLA, 42 U.S.C. Section 9601(14) and includes any mixtures of such hazardous substances with any other substances.
9. The term “hazardous waste” shall have the same definition as that contained in Subsection 1004(5) of RCRA, 42 U.S.C., Section 9603(5) and 40 CFR Part 261.
10. The term “identify” shall mean, with respect to a natural person, to set forth the person’s name, present or last known business, present or last known job (including job title and position) and personal addresses and telephone numbers.
11. The term “identify” shall mean, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address and legal form (e.g., corporation [including state of incorporation], partnership, etc.), organization, if any, a brief description of its business and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist.
13. The term “identify” shall mean, with respect to a document, to provide the type of document. This information includes the document’s customary business description, its date, its number (e.g., invoice or purchase order number), if any, subject matter, the identity of the author (including the addressor and the addressee and/or recipient) and the present location of such document.
14. The term “identify” shall mean, with respect to a piece of real property or property interest, to provide the legal description which appears in the county property records office, or in the equivalent office which records real property transactions for the area which includes the real property in question.
15. The term “material(s)” shall mean any and all objects, goods, substances, or matter of any kind including, but not limited to, wastes.

16. The term “operator” shall mean those persons who once owned or operated the place (i.e., U.S. Oil Recovery at 400 North Richey Street, or MCC at 200 North Richey Street, Pasadena, Harris County, Texas) where hazardous substances were released.
17. The term “owner” shall mean the person who now owns the property (i.e., U.S. Oil Recovery) where the hazardous substances were released or person(s) who previously owned the property.
18. The term “person” shall have the same definition as in Subsection 101(21) of CERCLA, 42 U.S.C., Section 9601(21) and shall include any individual, firm, unincorporated association, partnership, corporation, trust, consortium, joint venture, commercial entity, United States government, State and political subdivision of a State, municipality, commission, any interstate body, or other entity.
19. The terms “pollutant” or “contaminant,” shall have the same definition as that contained in Subsection 101(33) of CERCLA, 42 U.S.C., Section 9601(33) and includes any mixtures of such pollutants and contaminants with any other substances. The term shall include, but not be limited to, any element, substance, compound, or mixture. The term shall also include disease-causing agents which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunction in reproduction), or physical deformations.
20. The term “property interest” shall mean any interest in property including, but not limited to, any ownership interest, an easement, a deed, a lease, a mining claim, any interest in the rental of property, any interest in a corporation that owns or rents or owned or rented property and any interest as either the trustee or beneficiary of a trust that owns or rents, or owned or rented property.
21. The term “real estate” shall mean and include, but not be limited to, the following: land, buildings, homes, dwelling places, condominiums, cooperative apartments, offices or commercial buildings. The term includes real estate located outside of the United States.
22. The term “release” has the same definition as that contained in Subsection 101(22) of CERCLA, 42 U.S.C., Section 9601(22) and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.
23. The terms “Site” or “Facility” shall mean and include operations at the business located at 400 North Richey Street and 200 North Richey Street, in Pasadena, Harris County, Texas.

24. The term “solid waste” shall have the same definition as that contained in Subsection 1004(27) of RCRA, 42 U.S.C., Section 9603(27) and 40 CFR Part 261.
25. The terms “transaction” or “transact” shall mean any sale, transfer, giving, delivery, change in ownership, or change in possession.
26. The term “transporter” shall mean persons who selected the place (i.e., U.S. Oil Recovery or MCC at the addresses of 400 North Richey Street and 200 North Richey Street, Harris County, Pasadena, Texas,) where the hazardous substances were released as a disposal site and transported the hazardous substances to that place.

QUESTIONS

The terms “you” or “Respondent” shall mean the addressee of this Request; including, the addressee’s officers, managers, employees, contractors, trustees, partners, successors, assigns and agents.

1. Please provide the full legal name, mailing address and phone number of the Respondent.
2. For each person answering these questions on behalf of the Respondent please provide full name, title, business address and business telephone and facsimile number.
3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual’s name, address, telephone number and facsimile number.
4. List all names under which your company or business has ever operated and has ever been incorporated. For each name, provide the following information:
 - a. Whether the company or business continues to exist, indicating the date and means by which it ceased operations, if it is no longer in business;
 - b. Names, addresses and telephone numbers of all subsidiaries, unincorporated divisions or operating units, affiliates and parent corporations if any, of the respondent.
5. Provide information describing the nature of the business that this entity and its predecessors had with U.S. Oil Recovery at the 400 North Richey Street and the 200 North Richey Street, Pasadena, Texas, locations known here as the Site.
6. Identify all persons, including yourself, on behalf of your company, who may have transported or arranged for transportation of materials to the Site.

7. Provide the name, telephone numbers and present or last known addresses of all individuals who you have reason to believe may have knowledge, information or documents regarding any generation and/or transportation of hazardous substances to the Site.
8. Identify all persons and entities (generators) from whom you accepted materials which were taken directly or indirectly to the U.S. Oil Recovery Site.
9. Describe the nature, including the chemical content, characterization, physical state (e.g., solid, liquid) and quantity (volume and weight) of all hazardous substances involved in each arrangement for disposal or treatment sent to the Site, as a generator or transporter.
 - a. Include the information about the process of generation of the wastes, including analytical data, waste profiles, etc. that you sent or transported, or arranged to be sent or transported, to the Site.
 - b. Provide information and documentation related to sampling results used to determine the nature of the material you sent to USOR which identified any hazardous substances in such material.
10. List the name of all persons, including yourself, on behalf of your company, who may have entered into an agreement or contract for the disposal, treatment or transportation of a hazardous substance at or to the U.S. Oil Recovery Site. Please provide the persons' titles and departments.
11. Who selected the location where the hazardous substances were to be disposed or treated?
12. How were the hazardous substances or materials containing hazardous substances planned to be used at the Site?
13. What was done to the hazardous substances once they were brought to the Site, including any service, repair, recycling, treatment, or disposal.
14. What activities were typically conducted at the Site where the hazardous substances were sent? What were the common business practices at the Site? How and when did you obtain this information?

**U.S. OIL RECOVERY SUPERFUND SITE
ENCLOSURE E**

**LIST OF ENTITIES RECEIVING
THE MARCH 7, 2011, GENERAL NOTICE LETTER,
THE MAY 11, 2011, GENERAL NOTICE LETTER,
THE JUNE 13, 2011, GENERAL NOTICE LETTER,
and
THOSE RECEIVING THIS GENERAL NOTICE LETTER**

March 7, 2011, General Notice Letter

CONTACT NAME	COMPANY REPRESENTING	TELEPHONE
DAVID T. COLLINS	TEXAS BARGE & BOAT	979-233-5539
PAUL TOUGH	TEXAS BARGE & BOAT/McELROY SULLIVAN	512-327-8111
TRACY HESTER	LBC (BRACEWELL)	713-221-1407
ANDREW TORRANT	SOUTHWEST SHIPYARD LP	713-651-3527
PETER WAHL	MEMC (JACKSON WALKER)	214-953-6101
HARLESS R. BENTHEL	KMCO	713--223-0030
MARY KOKS	CHAMPION TECHNOLOGIES	713-222-4030
CHRISTOPHER SCOTT	T.T. BARGE	504-915-2957
ELIZABETH H. RYAN	T. T. BARGE COS (LEMLE)	504-584-9138
CHAD SCOTT	T.T.BARGE (MCL ENVIRONMENTAL)	225-751-7228
ILLSE De LOOF	LBC	32 15 287 310 Belgium

PRPs Receiving the May 11, 2011, General Notice Letter

CONTACT NAME	COMPANY REPRESENTING	TELEPHONE
John Buhman, Treasurer	American Acryl	281-909-2600
Nancy Hahn, Director	Blentech Corporation	713-673-3436
Matthew Bowman, President	CES Environmental Services	713-676-1460
Staley Sherman, President	Ciba Corporation	870-735-8750
Jeffery Smisek, President	Continental Airlines	281-821-2100
Michael Creel, President	Enterprise Products Operating	713-381-6500
Michael Creel, President	Enterprise Transportation	713-381-6500
Heiner Markoff, President	GE Water & Process Technologies	215-355-3300
Jay L. Johnson, CEO	General Dynamics	703-876-3000
Marshall Larsen, President	Goodrich	704-423-7000
John Groendyke, CEO	Groendyke	580-234-4663
Andrew Liveris, President	Haltermann (DOW)	989-837-5950
Kevin McQuade, CEO	INEOS NOVA, LLC	815-423-5541
R. Jaynes, Owner	Intra-Services, Inc.	281-452-9803
Judith Jandl, President	Lone Star Fasteners	281-353-1191
James Hambrick President	The Lubrizol Corporation	440-943-4200
Steve Taylor, President	Nalco Energy	281-263-7000
Archie Norman, President	Norman Transport, Inc.	870-862-8141
John W. Gibson, President	Oneok Hydrocarbons	918-588-7000
Mac Madlen, President	OXID LP	713-296-7500
Paul Morrisroe, President	Pilot Industries	281-897-6121
Ronald Haddock, Chairman	Safety-Kleen	800-669-5503
Andrew Gould, CEO	Superior Packaging and Distrib.	713-676-0922
Andrea Kessell, President	Texas Oil & Gathering, Inc.	281-393-1161
William Klesse, President	Valero Refining	800-324-8464
Peter Bakker, President	Vopak Terminal Galena Park	713-654-6000

PRPs Receiving the June 13, 2011 General Notice letter

CONTACT NAME	COMPANY REPRESENTING	TELEPHONE
Randy Hodges, Manager	Superior Packaging & Distribution	713-676-0922
Kim Deyoung, Director	Texas International Box	281-479-9151
Dennis Steger, President	Channel Shipyard	281-424-1581

PRPs Receiving this General Notice letter

CONTACT NAME	COMPANY REPRESENTING	TELEPHONE
David Thompson	Duratherm	281-339-1352
Phillip Radtke	Akzo Nobel Chemicals	312-544-7000
Richard D. Bedell	Marathon Petroleum, Co.	409-965-0164
James R. Turn	P Chem	936-546-0781
Tom Quinlan	Inkjet Inc.	936-856-6600
Mike Dilick	VLS Recovery Services	936-372-0464
John E. McGlade	Air Products Baytown Plant	610-481-4911
W. Randall Fowler	TEPPCO	713-381-6500
Michael McDonald	Texas Petrochemicals	713-627-7474
Daniel W. Krueger	City of Houston PWE	832-395-2511
Paula Jeffries	ROHMAX USA Inc. Houston	215-706-5800
Rod Sands	Explorer Pipeline	918-493-5100
Trey Dudley	Leedo Manufacturing Co. LP	281-598-0134
Tim Sudela	American Valve & Hydrant	409-434-5200
Jeffrey P. Ansel	Sun Products Corp.	203-254-6700
Don Sinclair	Raywood Gas Plant, LLC	713-439-5003
Rich Arillo	Qualawash Holdings, LLC	713-678-4852
Jeffrey McCraig	Trimac Transportation South	281-985-0000

**U. S. OIL RECOVERY SUPERFUND SITE
ENCLOSURE F**

**ADMINISTRATIVE ORDER ON CONSENT
And
STATEMENT OF WORK
As
FINALIZED AUGUST 25, 2011**